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# Meeting of West Berkshire District Council

Thursday 1 March 2018

***Summons and Agenda***



WestBerkshire  
C O U N C I L

To: All Members of the Council

*You are requested to attend a meeting of*

**West Berkshire Council**

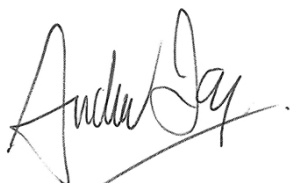
*to be held in the*

**Council Offices Market Street Newbury**

*on*

**Thursday 1 March 2018**

**at 6.30pm**



Andy Day  
Head of Strategic Support  
West Berkshire District Council

**Note:** The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcast, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded.

Date of despatch of Agenda: Wednesday 21 February 2018

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## **AGENDA**

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1. **APOLOGIES FOR ABSENCE**

To receive apologies for inability to attend the meeting (if any).

2. **CHAIRMAN'S REMARKS**

The Chairman to report on functions attended since the last meeting and other matters of interest to Members.

3. **MINUTES**

The Chairman to sign as a correct record the Minutes of the Council meeting held on 7 December 2017. **(Pages 7 - 14)**



4. **DECLARATIONS OF INTEREST**

To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).

5. **PETITIONS**

Councillors may present any petition which they have received. These will normally be referred to the appropriate body without discussion.

6. **PUBLIC QUESTIONS**

Members of the Executive to answer the following questions submitted by members of the public in accordance with the Council's Constitution:

(a) **Question to be answered by the Leader of the Council submitted by Mr Peter Norman:**

*"In light of the recent Local Government Boundary Commission's recommendations to create a number of super boroughs with 3 councillors, can the Council confirm its commitment to the democratic principles of "one person, one vote" for local elections and not create a distorted local democracy where some constituents get three votes whilst others get one depending on where they live?"*

(b) **Question to be answered by the Portfolio Holder for Culture and Environment submitted by Mr Simon Bowes:**

*"Why can't we recycle plastic food tubs, flora tubs etc? In West Berkshire we can only recycle plastic bottles which is a fraction of household plastics?"*

(c) **Question to be answered by the Portfolio Holder for Culture and Environment submitted by Ms Carolyne Culver:**

*"Will the Portfolio Holder for Culture and the Environment provide figures to support the claim that a £50 per household annual charge for green waste bin collection may yield a net gain of up to £900,000 to West Berkshire Council?"*

(d) **Question to be answered by the Portfolio Holder for Culture and Environment submitted by Ms Carolyne Culver:**

*"Will the Portfolio Holder for Culture and the Environment explain how a £50 per household annual charge for green waste bin collection will contribute to West Berkshire Council and national government commitments to increase rates of recycling?"*

(e) **Question to be answered by the Portfolio Holder for Planning, Housing and Leisure submitted by Mr David Marsh:**

*"Newbury Community Football Group (NCFG) has lodged a planning application to enhance Newbury football ground in Faraday Road, without use of public funds. Will the council work with NCFG to bring forward this improvement in facilities that will enable hundreds of local children and other players to continue*



## Agenda - Council to be held on Thursday, 1 March 2018 (continued)

*enjoying improved health and wellbeing from playing active sport?”*

- (f) **Question to be answered by the Portfolio Holder for Planning, Housing and Leisure submitted by Mr Stephen Masters:**

*“With the increasing dependency on the voluntary organisations in respect to the care of the rough sleeping and homeless community what is the council doing to ensure the vulnerable are adequately protected? For example how does the council ensure all volunteers are appropriately DBS checked and trained in safeguarding procedures?”*

- (g) **Question to be answered by the Portfolio Holder for Planning, Housing and Leisure submitted by Mr Stephen Masters:**

*“Does the council accept that West Berkshire has a rate of rough sleepers that is over 50% worse than the national average and this is something that is unacceptable in a prosperous and economically active area such as West Berkshire?”*

### 7. **MEMBERSHIP OF COMMITTEES**

The Monitoring Officer to advise of any changes to the membership of Committees since the previous Council meeting.

### 8. **LICENSING COMMITTEE**

The Council is asked to note that since the last meeting of the Council, the Licensing Committee met on 7 December 2017. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

### 9. **PERSONNEL COMMITTEE**

The Council is asked to note that since the last meeting of the Council, the Personnel Committee met on 12 February 2018. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

### 10. **GOVERNANCE AND ETHICS COMMITTEE**

The Council is asked to note that since the last meeting of Council, the Governance and Ethics Committee met on 7 December 2017, 31 January 2018 and 5 February 2018. Copies of the Minutes of these meetings can be obtained from Strategic Support or via the [Council's website](#).

### 11. **DISTRICT PLANNING COMMITTEE**

The Council is asked to note that since the last meeting of the Council, the District Planning Committee has not met.

### 12. **OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION**

The Council is asked to note that since the last meeting of the Council, the Overview and Scrutiny Management Commission met on 9 January 2018. Copies of the Minutes



## Agenda - Council to be held on Thursday, 1 March 2018 (continued)

of this meeting can be obtained from Strategic Support or via the [Council's website](#).

### 13. **JOINT PUBLIC PROTECTION COMMITTEE**

The Council is asked to note that since the last meeting of the Council, the Joint Public Protection Committee met on 12 December 2017. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

### 14. **INVESTMENT AND BORROWING STRATEGY 2018/19 (C3274)**

In compliance with the Local Government Act 2003, this report summarises the Council's borrowing limits as set out by CIPFA's Prudential Code, and recommends the Annual Investment and Borrowing Strategy for 2018/19. **(Pages 15 - 18)**

### 15. **MEDIUM TERM FINANCIAL STRATEGY 2018/19 TO 2020/21 (C3275)**

To agree the medium term financial planning and strategy for the organisation. **(Pages 19 - 28)**

### 16. **CAPITAL STRATEGY AND PROGRAMME 2018/19 TO 2022/23 (C3276)**

To outline the five year Capital Strategy for 2018 to 2023, including the Minimum Revenue Provision (MRP) Statement and the Asset Management Plans for Property and Highways, and to set out the funding framework for Council's five year Capital Programme for 2018/19 to 2022/23. **(Pages 29 - 32)**

### 17. **REVENUE BUDGET 2018/19 (C3277)**

To consider and recommend to Council the 2018/19 Revenue Budget, which proposes a Council Tax requirement of £94.84m requiring a Council Tax increase of 2.99% in 2018/19 with a 3% precept ring-fenced for Adult Social Care. The Council Tax increase will raise £2.7m and the precept will raise a further £2.7m ring-fenced for Adult Social Care.

This report also proposes the Fees and Charges for 2018/19 as set out in Appendix H and the Parish Special Expenses as set out in Appendix I, and recommends the level of General Reserves as set out in Appendix F and Appendix G. **(Pages 33 - 44)**

### 18. **STATUTORY PAY POLICY 2018 (C3278)**

To seek Council's approval of the Statutory Pay Policy Statement for publication from 1 April 2018. **(Pages 45 - 46)**

### 19. **WEST BERKSHIRE 2015-2019 COUNCIL STRATEGY: REFRESH 2018 (C3395)**

To present the refreshed Council Strategy 2015-2019 for consideration and approval by Council. The refreshed document articulates the progress that has been made and introduces new or updated projects to support the delivery of the Council's priorities for improvement. **(Pages 47 - 52)**



**Agenda - Council to be held on Thursday, 1 March 2018 (continued)**

**20. RECOMMENDATIONS OF THE WEST BERKSHIRE COUNCIL INDEPENDENT REMUNERATION PANEL 2017 (C3408)**

To adopt the recommendations of the West Berkshire Council Independent Remuneration Panel 2017. **(Pages 53 - 60)**

**21. PROPERTY INVESTMENT STRATEGY (C3401)**

Planned periodic review of the Property Investment Strategy to ensure its compatibility with market conditions and the Council's investment objectives. **(Pages 62 - 68)**

**22. MARKET STREET LAND APPROPRIATION (C3373)**

To seek approval to appropriate the Council's land at Market Street in order to facilitate the development of the site by Grainger of its consented scheme. **(Pages 69 - 78)**

**23. CHALLENGING COMMUNICATION ISSUES - UPDATE TO THE OFFICERS CODE OF CONDUCT (C3434)**

This report seeks to advise of proposed amendments to the Code of Conduct relating to officers' use of social media. **(Pages 79 - 84)**

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



# Agenda Item 3.

## DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

## COUNCIL

### MINUTES OF THE MEETING HELD ON THURSDAY, 7 DECEMBER 2017

**Councillors Present:** Steve Ardagh-Walter, Peter Argyle, Howard Bairstow, Pamela Bale, Jeremy Bartlett, Jeff Beck, Dominic Boeck, Graham Bridgman, Paul Bryant, Keith Chopping, Jeanette Clifford, Hilary Cole, James Cole, Jason Collis, Richard Crumly, Lynne Doherty, Billy Drummond, Adrian Edwards, Sheila Ellison, James Fredrickson, Dave Goff, Carol Jackson-Doerge (Vice-Chairman), Marigold Jaques, Mike Johnston, Graham Jones, Rick Jones, Alan Law, Tony Linden, Mollie Lock, Alan Macro, Tim Metcalfe, Ian Morrin, Graham Pask, Anthony Pick, James Podger, Garth Simpson, Richard Somner, Anthony Stansfeld and Quentin Webb (Chairman)

**Also Present:** Nick Carter (Chief Executive), Rachael Wardell (Corporate Director - Communities), Sarah Clarke (Interim Head of Legal Services), Joanna Reeves (Principal Policy Officer), Shiraz Sheikh (Interim Legal Services Manager) and Jim Sweeting (Sports and Leisure Manager)

**Apologies for inability to attend the meeting:** John Ashworth, Councillor Dennis Benneyworth, Councillor Anthony Chadley, Councillor Lee Dillon, Councillor Marcus Franks, Councillor Manohar Gopal, Councillor Paul Hewer, Councillor Clive Hooker, Honorary Alderman Joe Mooney, Councillor Virginia von Celsing, Councillor Emma Webster and Councillor Laszlo Zverko

**Councillors Absent:** Councillor Rob Denton-Powell, Councillor Nick Goodes and Councillor Gordon Lundie

## PART I

### 57. Chairman's Remarks

The Chairman reported that former Councillor and Honorary Alderman Geoff Findlay had passed away on 10 November 2017.

He was also saddened to report that Councillor Kathleen French passed away on the 17 November 2017.

The Chairman asked the Council to observe a minute's silence as a mark of respect and an opportunity to reflect on the lives of Geoff and Kathleen.

Councillor Graham Jones reported that Honorary Alderman Geoff Findlay OBE was known to approximately half the members in the Chamber, having been elected to the Council in 2003 when Councillor Jones was Leader of the Opposition. Geoff was quickly appointed to the Shadow Executive and later the Executive.

Councillor Jones reported that Geoff embodied dedication: he was the master of his brief and a master of detail. Geoff's service was also admirable: he worked 80-90 hours per week. Finally, Geoff was a conscientious man who lived to work despite the health issues he suffered in later life. Councillor Jones stated that Geoff was the most dedicated Councillor he had ever worked with.

Councillor Garth Simpson reported that he had first met Geoff Findlay while working on Richard Benyon's election campaign and had got to know him better through Cold Ash Conservatives. He was a hard worker, holding four portfolio jobs including a role on Cold Ash Parish Council to which he had made a significant contribution. Tributes at Geoff's

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funeral had also revealed his commitment to education, his work ethic and that he was a keen sportsman. In recent years he had become frail however had still been committed to public service and served as the Chairman to Cold Ash Parish Council. Geoff had been married to his wife Jill for 62 years and was part of a strong loving family.

Councillor Hilary Cole reported that Geoff excelled in everything he did, including as an off-piste skier. She particularly remembered the hard work he put into the Council's waste contract and stated that the recycling centre at Padworth would be his legacy. Officers had also valued his input.

Councillor Cole also recognised the commitment of her predecessor, Kathleen French. She noted her thanks and remembrance.

Councillor Adrian Edwards stated that he knew Geoff during their time in the armed forces and that he was renowned for his skills as a cricketer.

Councillor Edwards also remembered Kathy French from their time together on Newbury District Council. She had been a good Councillor and put the residents that she represented first. She had been well known in her village and Councillor Edwards recalled her parties that he would cycle to.

Councillor Tony Linden stated that Geoff Findlay was dedicated and admired.

The Chairman reported that he, the Vice-Chairman and former Chairmen had attended 67 events since the last Council meeting.

In particular he highlighted the Lord-Lieutenant's Awards Ceremony, the ghost train ride at the Michaelmas Fair with former vice-chairman Councillor Jeanette Clifford, the Queen's Awards for Voluntary Service Ceremony, the Road Death Memorial Service, the opening of the new autism unit for Fir Tree Primary School and the wheelchair basketball match between the Queen's Award team Thames Valley Kings and the Gloucestershire Blazers.

### **58. Presentations of the West Berkshire Community Champion Awards (C3225)**

The Chairman announced that the West Berkshire Council Community Champion Awards were launched in September 2014. In addition to the pre-existing Junior Citizen Award, three new awards were created: the Community Group of the Year; Volunteer of the Year; and the Lifetime Achievement Award. An excellent response had been received in three categories in 2017 and the standard of the nominations was very high.

A judging panel of independent representatives met to consider the nominations and he thanked them for their contribution to the awards. Councillor Webb also thanked all the nominators. He felt that it was very encouraging to hear of the contributions that volunteers made in the community as, increasingly, volunteers would play a greater part in the provision of public services and it was important that their contributions were acknowledged.

The Chairman announced that there would be two winners of the Pat Eastop Junior Citizen of the Year award due to the high standard of nominations.

The first winner was Riley Collier. Riley was nominated by Joe Sutton for the selfless way that he cared for his mother, Claire, and the mature manner with which he coped with adult responsibilities around the home.

The judges were particularly taken with Riley's self motivation in all that he did and acknowledged the extent of his commitment.

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Unfortunately Riley was unable to stay for the evening so the Chairman had met him earlier in the day to present the award.

The second joint winner for the Pat Eastop Junior Citizen Award was Bradley Ruffey. Bradley was nominated by Sonia Harris.

Bradley was a care leaver and although initially reserved about his own wishes, Bradley was supported, through the Action for Children advocate scheme, to speak at review meetings. He gradually grew in confidence and he found his voice and went on to support other children in a similar position; becoming a volunteer and now an ambassador for the charity.

The judges were impressed with the extent of Bradley's commitment to help others in a similar challenging situation and felt that he was a shining role model for other children in care.

The winner of the Volunteer of the Year Award was Bob Lyon of Frilsham Village. Bob was nominated by Frilsham Parish Council with additional testimonials from Marcus Allum, Jules de Jongh, Sandra Wilkinson and Allison Gillespie.

Since moving to Frilsham 18 years before, Bob had been at the centre, and in many cases, the initiator of a wide range of community events and organisations in the village.

The judges described Bob as 'superhuman' and noted his long and exceptional impact on the lives of so many within the village.

Turning to the Community Group of the Year award, the Chairman announced that the judging panel was, again, very impressed by the nominations and decided to award a Highly Commended as well as a winner in this category.

The Highly Commended Award for Community Group of the Year went to the Carnarvon Place Gardening Group, nominated by Sandra Atkinson who explained that the group was resident-led and worked hard to enhance the environment, through gardening, for the benefit of all residents in the over 55 supported housing scheme.

The judges were particularly impressed by the enthusiasm and inclusive nature of the group, including the fundraising and sharing of produce amongst residents.

The winner of the Community Group of the Year was Heartstart Thatcham, nominated by Ann Allen. Ann explained that Heartstart Thatcham brought the Heartstart scheme, which was a British Heart Foundation initiative, to Thatcham and surrounding areas. The scheme provided free Emergency Life Support (ELS) training in the community and had also raised sufficient funds to place many external defibrillators around the West Berkshire area.

The judges noted the passion of the volunteers to promote and expand the initiative and believed them to be very worthy winners of the Community Group of the Year award.

Finally, the Chairman announced the Lifetime Achievement Award. Once again, the judging panel was very impressed by the nominations and decided to also award Joint Winners in this category.

The first Joint Winner of the Lifetime Achievement Award was Lady Eliza Mays-Smith, nominated by Richard Griffiths-Jones, with a further testimonial from The Reverend Mary Harwood.

Lady Eliza had been a governor of St. Andrew's School, Chaddleworth and latterly of Chaddleworth St. Andrew's and Shefford Church of England Federated Primary Schools for over 30 years, 25 of which, she had been Chair of Governors. She had also chaired, for many years, the Saunders Wynn and Coventry Educational Foundation, a small

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charitable foundation whose objective was to assist with the educational development of the young people of Chaddleworth.

Lady Eliza was described as constantly supportive and ever present, having worked tirelessly, through times good and times more difficult, in her various village roles. Over very many years, her wise counsel and sensible approach was greatly appreciated in the local community, and had resulted in her being regarded with great affection and in the highest esteem. As an unsung hero, she had always been and remained much loved and respected by all those who knew her in her local community.

The judges remarked upon Lady Eliza's proactive but quiet positive impact on the village for over thirty years.

The other Joint Winner of the Lifetime Achievement Award was Paul Cooke of Thames Valley Amateur Boxing Club who was nominated by Chloe Cooke. Paul was nominated for Volunteer of the Year but was moved to Lifetime Achievement by the judges.

Paul ran the Thames Valley Amateur Boxing Club in Newbury three to four times per week. With current membership of over 200, the club offered boxing activities and fitness for children as young as 10 years old and was open for males and females. It was a well established and highly respected boxing club which gave the youth of West Berkshire the chance to learn self discipline, whilst building their self confidence under the strict guidance of qualified coaching staff and within the rules of the Amateur Boxing Association of England. Paul had been involved with the club for forty years and coach for thirty of those; he was the heart and soul of this local boxing club. He spent most evenings at the gym and travelled with his boxers to amateur boxing matches most Fridays and Saturdays. He ran an annual dinner show at Newbury Racecourse and arranged a summer camp for his boxers.

The panel was impressed with the longevity of Paul's commitment to the club and the extent of his input throughout the week.

The Chairman thanked all those that had taken the time to attend the meeting.

### 59. Minutes

The minutes of the meeting held on 14 September 2017 were approved as a true and correct record and signed by the Chairman.

The minutes of the extraordinary meeting held on 31 October 2017 were approved as a true and correct record and signed by the Chairman.

### 60. Declarations of Interest

There were no declarations of interest received.

### 61. Membership of Committees

The Monitoring Officer advised of the following changes to the membership of Committees since the previous Council meeting:

#### Executive

Councillor Graham Jones announced that with immediate effect Councillor Graham Bridgman would be replacing Councillor Keith Chopping on the Executive.

Councillor Jones advised that he and Councillor Chopping had worked together off and on since 2003 had had formed a firm friendship. He thanked Councillor Chopping for his support.

Councillor Jones reported that Councillor Bridgman was a master of detail and challenge who would bring humour to the Executive.

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Councillor Chopping advised that it had been a privilege and pleasure to work with Councillor Jones and stated he could think of no better Leader.

### **Governance and Ethics Committee**

Councillor Graham Jones proposed that Councillor Keith Chopping replace Councillor Graham Bridgman on the Governance and Ethics Committee. The proposal was seconded by Councillor Hilary Cole.

### **62. Petitions**

No petitions were presented to the Council.

### **63. Public Questions**

There were no public questions received.

### **64. Licensing Committee**

The Council noted that, since the last meeting, the Licensing Committee had met on 28 September 2017.

### **65. Personnel Committee**

The Council noted that, since the last meeting, the Personnel Committee had not met.

### **66. Governance and Ethics Committee**

The Council noted that, since the last meeting, the Governance and Ethics Committee had met on 27 November 2017.

### **67. District Planning Committee**

The Council noted that, since the last meeting, the District Planning Committee had not met.

### **68. Overview and Scrutiny Management Commission**

The Council noted that, since the last meeting, the Overview and Scrutiny Management Committee had met on 17 October 2017.

### **69. Joint Public Protection Committee**

The Council noted that, since the last meeting, the Joint Public Protection Committee had met on 19 September 2017.

### **70. Adjournment of the Meeting**

**RESOLVED** that the meeting of Council be adjourned to enable the Licensing and Governance and Ethics Committees to meet to determine their Vice-Chairmen.

*The meeting was adjourned at 7.46pm.*

### **71. Recommencement of the Meeting**

*The meeting was reconvened at 7.49pm.*

### **72. Leisure Centre Fees and Charges 2018 (C3223)**

The Council considered a report (Agenda Item 17) concerning the contractual requirement for an annual price review for 2018 for the leisure contractor to come into effect from 1st January 2018.

**MOTION:** Proposed by Councillor Hilary Cole and seconded by Councillor Dominic Boeck.

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That the Council:

“approves the proposed increase in Fees and Charges as outlined for the leisure management contract”.

Councillor Hilary Cole in introducing the report noted that it was a contractual requirement for an annual price review for 2018 for the leisure contractor to come into effect from 1<sup>st</sup> January 2018.

Once discounts, as set out in paragraph 5.2, were applied it would result in an average increase of 3.1% in the charges applied to West Berkshire Card holders in line with the Retail Price Index at the end of the Contract year (3.5% - June 2017) when rounded to the nearest 5p.

Councillor Mollie Lock expressed concern that junior rates were applied to children aged 16 and under. In light of the fact that young people were required to be in education or training until they were 18, she asked that this be considered in the future.

Councillor Cole advised that she would pass on Councillor Lock’s comments to the contractor.

The Motion was put to the meeting and duly **RESOLVED**.

### 73. **Amendments to the Scheme of Delegation (C3093)**

The Council considered a report (Agenda Item 18) concerning amendments to the Scheme of Delegation.

**MOTION:** Proposed by Councillor Graham Bridgman and seconded by Councillor Alan Macro.

That the Council:

“Resolves to approve the amendments to Scheme of Delegation, Part 3 of the Constitution and adopts the version contained in Appendix A.”

The Motion was put to the meeting and duly **RESOLVED**.

Councillor Bridgman noted that the Scheme of Delegation had been updated in order to comply with legislative changes. He noted that a general delegation had been proposed to allow Heads of Service to execute customer facing functions. It was deemed that this general delegation would offer greater flexibility subject to appropriate controls. Changes had been proposed by the Governance and Ethics Committee which had been included but some formatting corrections were required and could be made by the Monitoring Officer under her delegated powers.

Councillor James Cole reported that, as the outgoing Chairman of the Governance and Ethics Committee, he knew of the major exercise that had been undertaken by Sarah Clark and Shiraz Sheikh to update the document. He thanked Councillor Bridgman also for his input and announced that he would be missed by the Governance and Ethics Committee.

Councillor Chopping reported that the update had been a necessary housekeeping exercise and thanked officer in Legal Services for their work.

Councillor Macro thanked the officers for their work which required attention to detail.

The Motion was put to the meeting and duly **RESOLVED**.

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### 74. **Proposed Member Development Programme 2018/19 (C3221)**

The Council considered a report (Agenda Item 19) concerning the proposed Member Development Programme for 2018/19.

**MOTION:** Proposed by Councillor Graham Bridgman and seconded by Councillor Keith Chopping:

That the Council:

“agrees the proposed Member Development Programme for 2018/19.”

Councillor Graham Bridgman encouraged Members to attend the session which had been put into the 2017/18 programme on the General Data Protection Regulations.

Councillor James Fredrickson stated that he understood that it was sometimes difficult for Members to attend sessions if they worked outside of the District and he welcomed the proposal to webcast the sessions.

Councillor Paul Bryant stated that a useful joint session on Licensing had been held with Wokingham Borough Councillors and he hoped that more joint sessions would be held in the future. He also hoped that sessions could be aligned to those held by the Fire Authority to avoid duplication.

Councillor Macro echoed Councillor Fredrickson’s comments in welcoming webcasting and noted that the technical issues highlighted in the report would need to be addressed.

Councillor Bridgman agreed that collaboration with other Councils was a good idea and he supported the use of webcasting.

The Motion was put to the meeting and duly **RESOLVED**.

### 75. **2018/19 West Berkshire Council Timetable of Public Meetings (C3224)**

The Council considered a report (Agenda Item 20) concerning the proposed timetable of public meetings for the 2018/19 Municipal Year.

**MOTION:** Proposed by Councillor Graham Jones and seconded by Councillor Hilary Cole:

That the Council:

“agrees the proposed timetable of Public Meetings for 2018/19 Municipal Year.”

Councillor Graham Jones in introducing the report explained that the number of meetings took into account the volume of business demands. Early adoption would allow time for the Members to ensure that the meetings were in their diaries before the Municipal Year started.

The Motion was put to the meeting and duly **RESOLVED**.

### 76. **Members' Questions**

A full transcription of the Member question and answer session is available from the following link: (link to pdf on website)

- (a) A question standing in the name of Councillor Alan Macro on the subject of fly tipping on private land was answered by the Executive Member for Culture and Environment.
- (b) A question standing in the name of Councillor Alan Macro on the subject of penalties for fly tipping was answered by the Executive Member for Culture and Environment.

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- (c) A question standing in the name of Councillor Alan Macro on the subject of potential use of CPO powers for the land at Sandford was answered by the Executive Member for Planning, Housing and Leisure.
- (d) A question standing in the name of Councillor Lee Dillon on the subject of project management for Highwood Copse School was answered by the Executive Member for Culture and Environment.
- (e) A question standing in the name of Councillor Lee Dillon on the subject of penalties for fly tipping was answered by the Executive Member for Planning, Housing and Leisure.

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

*(The meeting commenced at 7.00pm and closed at 8.15pm)*

**CHAIRMAN** .....

**Date of Signature** .....

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## Investment and Borrowing Strategy 2018/19

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<b>Committee considering report:</b>	Council on 1 March 2018
<b>Portfolio Member:</b>	Councillor Anthony Chadley
<b>Date Portfolio Member agreed report:</b>	25 January 2018
<b>Report Author:</b>	Gabrielle Esplin
<b>Forward Plan Ref:</b>	C3274

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### 1. Purpose of the Report

- 1.1 In compliance with The Local Government Act 2003, this report summarises the Council's borrowing limits as set out by CIPFA's Prudential Code, and recommends the Annual Investment and Borrowing Strategy for 2018/19.

### 2. Recommendation

- 2.1 To adopt the 2018/19 Investment and Borrowing Strategy.

### 3. Implications

- 3.1 **Financial:** Investment Income and Debt Charges form part of the Council's Medium Term Financial Strategy (MTFS).  
The Council's borrowing limits are proposed to be increased by £17 million in total over the next three years to allow for additional borrowing to fund proposed capital investment in line with the Capital Strategy and Programme, also on this agenda.
- 3.2 **Policy:** The Investment and Borrowing Strategy is closely related to the Capital Strategy, as it governs the criteria for borrowing to fund capital spending.  
This strategy is also closely linked to the Council's Property Investment Strategy. The Property Investment Strategy which operates different criteria for investment from those proposed in this report, which relate only to cash investments. However the borrowing strategy set out in this report also applies to borrowing which may be undertaken to fund investment in property.
- 3.3 **Personnel:** None
- 3.4 **Legal:** The Investment and Borrowing Strategy for the new financial year is in accordance with the Local Government Act 2003 and CIPFA's Prudential Code and Code of Practice for Treasury Management.
- 3.5 **Risk Management:** The policy is intended to ensure that all borrowing and investment is undertaken with a view to minimising risk and exposure to financial loss.

3.6 **Property:** None

3.7 **Other:** None

**4. Other options considered**

4.1 Not applicable

## 5. Executive Summary

### 5.1 Introduction

This report sets out the framework within which the Treasury Management Team will conduct the council's investments and borrowing for the forthcoming financial year. It recommends prudential limits for investments in 2018/19 and borrowing limits for the next three years. It also provides a forecast of the Council's long term borrowing requirements.

### 5.2 Proposals

The report recommends prudential limits for exposure to borrowing at fixed and variable rates of interest, the maturity structure of borrowing and the types and minimum credit ratings for institutions with which the Council will invest its funds. Two changes are proposed to these parameters for 2018/19:

- (i) To allow the Council to enter into a loan agreements with an NHS Trust (subject to further approval by Executive of any specific agreements);
- (ii) To allow the Council to invest up to £3 million with the CCLA Local Authorities Property Fund, subject to a further due diligence review to be approved by the Treasury Management Group.

It is also proposed to increase the Council's maximum borrowing limits by £7 million (to £233 million) in 2018/19, by £6 million (to £239 million) in 2018/19 and by £4 million (to £243 million) in 2020/21. The increase in 2018/19 allows for £12 million new borrowing to fund the 2018/19 capital programme less £5 million repayments of existing loans, which are planned to be made in 2018/19. The increases in 2019/20 and 2020/21 are to allow for the planned level of borrowing to fund the proposed capital programme, less the planned level of debt repayment for those years.

### 5.3 Equalities Impact Assessment Outcomes

This item is not directly relevant to equality.

## 6. Conclusion

6.1 The strategy sets the underlying principles by which the Council's annual investment and borrowing activity will be managed for the 2018/19 financial year. The implementation of this strategy will be reviewed during the coming financial year by the cross party Treasury Management Group.

6.2 A report on the actual performance of the Treasury Team in managing the Council's loans and investments for the whole of 2017/18 will be brought to Executive after the end of the financial year.

## 7. Appendices

7.1 Appendix A - Detailed Investment and Borrowing Strategy 2018/19

7.2 Appendix B – Equalities Impact Assessment

7.3 Appendix C – Forecast Level of Borrowing and Debt Repayments 2017/18 to 2040/41

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## Medium Term Financial Strategy 2018/19 to 2020/21

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<b>Committee considering report:</b>	Council on 1 March 2018
<b>Portfolio Member:</b>	Councillor Anthony Chadley
<b>Date Portfolio Member agreed report:</b>	19 February 2018
<b>Report Author:</b>	Andy Walker
<b>Forward Plan Ref:</b>	C3275

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### 1. Purpose of the Report

- 1.1 The Medium Term Financial Strategy (MTFS) is a rolling three year strategy which is built to ensure that the financial resources, both revenue and capital, are available to deliver the Council Strategy. The MTFS should be read in conjunction with the Revenue Budget 2018/19, Capital Strategy and Investment and Borrowing Strategy reports.
- 1.2 The aim of the MTFS is to:
- (1) Allocate our available resources focussing on those determined as most critical in supporting our priorities and statutory responsibilities
  - (2) Ensure that capital investment is affordable; and
  - (3) Ensure that the Council has sufficient levels of reserves.

### 2. Recommendation

- 2.1 That Council approves and adopts the Medium Term Financial Strategy 2018/19 to 2020/21.

### 3. Implications

- 3.1 **Financial:**  
The MTFS allocates £380 million of Council revenue resources over the next three years and allocates £43.6 million of Council capital resources over the next five years.  
  
The revenue funding gap is forecast to reach £23m by 2020/21 prior to any savings plans or increases in income or Council Tax.
- 3.2 **Policy:**  
The MTFS is aligned directly to the Council Strategy and the Capital Strategy.
- 3.3 **Personnel:**  
The Council's establishment is funded from the Revenue Budget and Capital Programme. Any reductions in budget could impact on personnel.

3.4 **Legal:**  
None

3.5 **Risk Management:**  
The MTFS is designed to minimise the financial risks to the delivery of the Council Strategy by providing a clear picture of the resources available and allowing the Council to focus on its priorities.

3.6 **Property:**  
The proposed Capital Programme will provide for maintenance and improvements to a number of existing Council buildings. The level of funding available for the proposed programme is partly dependent on final decisions still to be made about the disposal of some Council land and buildings.

3.7 **Other:**  
None

#### 4. **Other options considered**

4.1 None

## Executive Summary

### 5. Introduction / Background

- 5.1 Over the previous eight years, West Berkshire Council has had to find over £55m of revenue savings, which has been achieved through finding efficiencies, making staff reductions, transforming services and generating income.
- 5.2 The 2016/17 Local Government Settlement announced the move to the retention of 100% of business rates by 2020 (now revised to 75%) and the phasing out of the Revenue Support Grant (RSG). Local authorities have been given the opportunity to raise council tax above the existing threshold with funds ring-fenced to pay for adult social care. West Berkshire Council applied a 2% precept in 2016/17, and a 3% precept in 2017/18, raising additional funds to support Adult Social Care needs in the district.
- 5.3 In October 2016, West Berkshire Council accepted the Government's offer of a four year funding settlement from 2016/17 to 2019/20. The Government made a clear commitment to provide minimum allocations for each year of the Spending Review period. Whilst this settlement committed the Council to a continued reduction in the Revenue Support Grant (RSG), it provided some financial certainty on which the Council could plan ahead and build other sources of income.

### 6. The Provisional 2018/19 Local Government Finance Settlement

- 6.1 The provisional settlement figures were issued on 19 December 2017 with the final settlement announced on 6 February 2018. The Secretary of State for local government has approved a bid submitted collectively by the six unitary authorities in Berkshire for the creation of a business rates pilot across Berkshire in 2018/19. This pilot will help the Government develop its detailed proposals to devolve business rate income to local authorities, replacing the current grant funding arrangements.
- 6.2 During the pilot year, it is estimated that an additional £35m of business rates income collected in Berkshire will be retained within the county, rather than being returned to Whitehall as at present. The Berkshire authorities have committed to set aside 70% of the additional funding to make improvements to transport infrastructure in the Reading – Wokingham and Slough – Heathrow corridors, to be taken forward by the Thames Valley Berkshire Local Enterprise Partnership (LEP). The remaining 30% of additional funding will be distributed to the individual local authorities in Berkshire, in proportion to their respective contribution to the overall growth. The pilot has been agreed for one year only.

### 7. Funding Gap

- 7.1 The Council's costs grow each year as a result of inflation, salary increases, changes to National Insurance and pension contributions, and service pressures arising from increased demand and new responsibilities, particularly in adult social care. The forecast levels of funding over the period of the MTFS, together with provision for budgetary increases, means that West Berkshire Council would be facing a funding gap of £23m by 2020/21, before considering Council Tax increases or savings plans.

- 7.2 In order to close the 2018/19 gap of £10.6m, it is proposed that Council Tax will be increased by 2.99% raising £2.7m, with a 3% precept ring-fenced for adult social care raising a further £2.7m, savings and income generation will raise £5.2m.
- 7.3 For 2019/20 and 2020/21, the assumption in the Medium Term Financial Strategy is that Council Tax increases will be at 2% per year, leading to savings and income requirements of £5.2m and £3.1m respectively. For 2019/20, £2.8m has already been identified and in 2020/21, £240k has been identified.

## 8. Reserves

- 8.1 The level of usable reserves the Council holds is reviewed as part of the medium term financial planning. Consideration is given to the financial standing of the Council, the medium term funding outlook and the risks we are facing. The s151 officer (Head of Finance & Property) recommends that the General Reserve totals, as a minimum, 5% of the Council's net revenue expenditure, which for 2018/19 would be £6.3m. The use of reserves is a one off solution and must be used prudently to ensure it does not undermine longer term budget sustainability. Usable reserves are shown in the following table:

	1.4.2017	1.4.2018	1.4.2019
	Actual	Estimate	Estimate
Usable Reserves	£m	£m	£m
General Funds:			
General Fund	5.32	5.32	5.32
Risk Fund	1.03	1.03	1.03
<b>Total General Reserves</b>	<b>6.35</b>	<b>6.35</b>	<b>6.35</b>
Earmarked Reserves	12.85	10.18	9.03
<b>Total Usable Reserves</b>	<b>19.20</b>	<b>16.53</b>	<b>15.38</b>

- 8.2 During 2017/18, earmarked reserves are expected to reduce by £2.67m to fund the forecast revenue over spend, exit costs arising from savings plans, transformation projects and release earmarked reserves. During 2018/19, estimates have been made for funding exit costs, use of transformation fund and other use of reserves.

## 9. Medium Term Financial Strategy

- 9.1 The key financial strategy to close the funding gap over the medium term will focus on innovation around service transformation, strategic transformation and commercialisation. The Corporate Programme is driving this change and contains a number of projects that aim to support the Council's financial strategy through identifying opportunities to transform services and through implementing changes that will deliver new income streams. The areas of focus that will contribute to closing the funding gap include:
- (1) Digitisation, identifying solutions to address council services such as bookings, training courses and payments and to assist with the Waste Services project.
  - (2) Continuing to improve our systems and processes by undertaking Financial Challenge Reviews and New Ways of Working reviews, and benchmarking to compare our cost levels and find new income opportunities.

- (3) Demand management, reviewing where the demand on our services actually comes from, who the key users are, what their requirements are and how might we better manage demand or anticipate needs
- (4) Commercialisation, investing in residential and commercial property, adopting a more commercial approach to procurement and trading further with schools and other organisations.
- (5) Reducing the amount we pay for collecting and disposing of household waste.
- (6) Sharing services with other local authorities and the One Public Estate programme to make the best use of Berkshire wide collective buildings.
- (7) Working with partners and communities to deliver services differently and devolution to Parish and Town Councils.

9.2 The strategy is aimed at closing the funding gap and bringing financial stability for the future. The three year Medium Term Financial Model is shown below:

2017/18	Line ref	Medium Term Financial Model	2018/19	2019/20	2020/21
£m			£m	£m	£m
<b>4.99%</b>		<b>Council Tax/ASC Precept Increase</b>	<b>5.99%</b>	<b>2.00%</b>	<b>2.00%</b>
88.37	1	Council Tax income	94.84	98.19	101.65
3.70	2a	Revenue Support Grant	0.00	-1.79	-2.12
1.37	2b	Transitional Grant Funding	0.00	0.00	0.00
5.08	3a	Adult Social Care BCF ringfenced funding	5.43	5.43	5.43
0.70	3b	Adult Social Care iBCF ringfenced funding	0.58	0.28	0.00
0.50	3c	Adult Social Care Support Grant	0.31	0.00	0.00
0.06	4	Other Non-Ringfenced Grants	0.08	0.07	0.05
85.41	5a	<i>Business Rates Collected</i>	86.38	88.37	90.40
-66.03	5b	<i>Business Rates sent to Central Government</i>	-64.15	-67.01	-68.63
19.38	5c	Retained Business Rates	22.23	21.36	21.77
0.51	6	Education Services Grant (ESG)	0.00	0.00	0.00
3.63	7	New Homes Bonus	2.69	2.29	1.81
-0.11	8	Council Tax Collection Fund deficit (-)/ surplus	-0.73	0.00	0.00
0.00	9	Use of Capital Receipt	0.00	0.00	0.00
<b>123.19</b>	<b>10</b>	<b>Funds Available</b>	<b>125.44</b>	<b>125.84</b>	<b>128.59</b>
113.77	11a	Opening budget	114.55	118.83	119.72
-0.95	11b	Opening budget adjustments	0.21	-0.71	0.00
1.45	12	Budget growth	2.55	2.31	1.74
0.79	13	Contract inflation	1.76	1.58	1.62
3.71	14	Service Pressures	4.49	2.43	2.33
0.50	15	Increase in capital financing cost	0.50	0.50	0.50
-4.72	16	Savings or income requirement	-5.23	-5.22	-3.10
114.55	17	Annual Budget Requirement	118.83	119.72	122.81
0.51	18	One off provision for other risks	0.60	0.40	0.35
1.37	19	One off transitional grant funding	0.00	0.00	0.00
116.43	20	Net Budget Requirement for Management Accounting	119.43	120.12	123.16
5.08	21a	One off Adult Social Care BCF ringfenced funding	5.43	5.43	5.43
0.70	21b	One off Adult Social Care iBCF ringfenced funding	0.58	0.28	0.00
0.98	22a	Increase in reserves	1.24	0.00	0.00
0.00	22b	Use of reserves	-1.24	0.00	0.00
<b>123.19</b>	<b>23</b>	<b>Budget Requirement</b>	<b>125.44</b>	<b>125.84</b>	<b>128.59</b>
		<i>£10k roundings may apply</i>			

## 10. Proposal

10.1 To approve the MTFS, subject to final changes.

## 11. Conclusion

11.1 The forecast levels of funding available over the medium term, together with provision for budgetary increases and growing pressures, mean that over the next three years we need to address a funding gap of £23m. In 2018/19, a 2.99% Council Tax increase will raise £2.7m, a 3% adult social care precept will raise a further £2.7m and our savings and income generation plans will save £5.2m. For the following two years, the gap will be closed from Council Tax increases and savings and income generation. The key financial strategy to close the funding gap over the medium term will focus on innovation around service transformation, strategic transformation in order to bring financial stability for the future. Capital investment will continue to ensure that core assets are maintained and protected. Reserves have been reviewed to ensure they are for the Council to deliver services

and take appropriate risks in amending service delivery models without impacting on the financial viability of the organisation.

- 11.2 The Council has a track record of strong financial management. Historically budgets have been delivered without significant over or under spends. The Council's ability to manage within significant financial challenge is vital to its continuing success in delivering the Council Strategy.

## 12. Appendices

- 12.1 Appendix A – Equalities Impact Assessment
- 12.2 Appendix B – Supporting Information
- 12.3 Appendix C – Medium Term Financial Plan – Assumptions

## Appendix A

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	Approval of MTFS 2018/19 to 2020/21
<b>Summary of relevant legislation:</b>	
<b>Does the proposed decision conflict with any of the Council’s key strategy priorities?</b>	No
<b>Name of assessor:</b>	Andy Walker
<b>Date of assessment:</b>	11.1.18

Is this a:		Is this:	
<b>Policy</b>	<b>No</b>	<b>New or proposed</b>	<b>Yes</b>
<b>Strategy</b>	<b>Yes</b>	<b>Already exists and is being reviewed</b>	<b>No</b>
<b>Function</b>	<b>No</b>	<b>Is changing</b>	<b>No</b>
<b>Service</b>	<b>No</b>		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To ensure that the Council has a financial strategy for the next three years.
<b>Objectives:</b>	
<b>Outcomes:</b>	
<b>Benefits:</b>	

<b>2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b> (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age		
Disability		
Gender Reassignment		

Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
<b>Further Comments relating to the item:</b>		

<b>3 Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b>	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b>	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	No
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

Name: Andy Walker

Date: 11.1.2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.

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## Capital Strategy and Programme 2018/19 to 2022/23

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<b>Committee considering report:</b>	Council on 1 March 2018
<b>Portfolio Member:</b>	Councillor Anthony Chadley
<b>Date Portfolio Member agreed report:</b>	23 January 2018
<b>Report Author:</b>	Gabrielle Esplin
<b>Forward Plan Ref:</b>	C3276

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### 1. Purpose of the Report

- 1.1 To outline the five year Capital Strategy for 2018 to 2023, including the minimum revenue provision (MRP) statement and the asset management plans for property and highways, and to set out the funding framework for Council's five year capital programme for 2018/19 to 2022/23.

### 2. Recommendation

- 2.1 To approve the Capital Strategy and Programme 2018/19 to 2022/23.

### 3. Implications

- 3.1 **Financial:** The draft programme allocates £73.6 million of Council capital resources over the next five years. This level of investment is expected to require an annual increase in the revenue budget for capital financing of £500k per year from 2018/19 to 2022/23. These increases are reflected in the proposed Revenue Budget 2018/19 and the Medium Term Financial Strategy 2018/19 to 2020/21.

Some proposed capital spending will be financed from capital receipts government capital grants, S106 and CIL. Some of these funds, particularly those expected to be available from 2019/20 onwards, have still to be confirmed. The level of spend in future years may need to be reviewed depending on the actual level of capital receipts and government grants. The future level of CIL funding is particularly uncertain at this stage and will need to be kept under close review.

- 3.2 **Policy:** The Capital Strategy is closely aligned to the Council Strategy 2015-2019.

The policy implications arising from the Prudential Framework are set out within the report.

- 3.3 **Personnel:** A proportion of the Council's establishment is funded directly by the Capital Programme where it can be

demonstrated that staff directly support and help to deliver the capital programme

- 3.4 **Legal:** The Capital Strategy contains Prudential Indicators that are mandatory under the Capital Finance Act 2003.
- When the final programme has been approved by Council, the budget managers will have the authority to let contracts for the schemes included in the 2018/19 programme in accordance with the Council's Contract Rules of Procedure.
- 3.5 **Risk Management:** Strategic risks relating to the Capital Programme are set out in the Council's Strategic Risk Register. Individual programmes/projects will have their own Risk Management Plans
- 3.6 **Property:** The proposed Capital Programme will provide for maintenance and improvements to a number of existing Council buildings. The level of funding available for the proposed programme is partly dependant on final decisions still to be made about the disposal of some Council land and buildings.

#### 4. Other options considered

- 4.1 Not applicable

## 5. Executive Summary

### 5.1 Introduction

This report sets out the draft Capital Strategy and Programme covering the five year period 2018/19 to 2022/23. Despite ongoing pressure on the revenue budget, the Council continues to make significant investment in the future of West Berkshire through its capital programme. The programme continues to be supported by an annual increase in the revenue budget for capital financing which has remained unchanged at £500k per year, with no allowance for inflation, since 2011.

### 5.2 Proposals

The Capital Programme helps deliver the key priorities for improvement in the Council Strategy 2015-2019 by proposing investment over the next five years in the following key areas:

- ***Improving Educational Attainment and Closing the Educational Attainment Gap:*** £69.8 million for new school places and improvements to school buildings.
- ***Key Infrastructure Improvements in Relation to Roads:*** £55.5 million for maintenance and improvement of highways.
- ***Regeneration and The Digital Economy:*** £4 million to facilitate the delivery of superfast broadband across West Berkshire.
- ***Safeguarding Children and Vulnerable Adults:*** £15.7 million for occupational health equipment, home adaptations and supported living for vulnerable adults and looked after children and to improve the supply of temporary accommodation for people at risk of becoming homeless.
- ***Supporting Communities to do More to Help Themselves:*** £3.7 million for maintenance and improvement of parks, open spaces sporting and cultural facilities and £0.5m for grants to support community projects.
- ***Becoming and Even More Effective Council - Living Within our Means:*** £30m for investment in commercial property in order to generate revenue income to help meet the running costs of Council services.

### 5.3 Equalities Impact Assessment Outcomes

The capital strategy itself does not have any direct equalities impact, but more detailed equalities assessments will be carried out for any new schemes within the capital programme, or potential asset transfers, prior to implementation.

## 6. Conclusion

The proposed programme allows for all the most urgent capital investment priorities identified by services to help implement the Council Strategy over the next five years. The proposed programme relies on some sources of external funding which have not yet been confirmed for the later years of the programme - the future level of CIL receipts is particularly uncertain at this stage. Programme priorities and the availability of funding will therefore need to be kept under review, and changes may need to be made to the programme in future years.

## 7. Appendices

- 7.1 Appendix A – Capital Strategy and Programme 2018/19 to 2022/23
- 7.2 Appendix B – Equalities Impact Assessment
- 7.3 Appendix C – Summary of Capital Programme 2018/19 to 2022/23
- 7.4 Appendix D – Detailed Breakdown of Capital Programme 2018/19 to 2022/23
- 7.5 Appendix E – Overview of Property Asset Management Strategy
- 7.6 Appendix F – Highways Asset Management Strategy

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## Revenue Budget 2018/19

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<b>Committee considering report:</b>	Council on 1 March 2018
<b>Portfolio Member:</b>	Councillor Anthony Chadley
<b>Date Portfolio Member agreed report:</b>	19 February 2018
<b>Report Author:</b>	Andy Walker
<b>Forward Plan Ref:</b>	C3277

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### 1. Purpose of the Report

- 1.1 To consider and recommend to Council the 2018/19 Revenue Budget, which proposes a Council Tax requirement of £94.84m requiring a Council Tax increase of 2.99% in 2018/19 with a 3% precept ring-fenced for adult social care. The Council Tax increase will raise £2.7m and the precept will raise a further £2.7m ring-fenced for adult social care.
- 1.2 This report also proposes the Fees and Charges for 2018/19 as set out in Appendix H and the Parish Special Expenses as set out in Appendix I, and recommends the level of General Reserves as set out in Appendix F and Appendix G.

### 2. Recommendations

- 2.1 The Council is recommended to resolve as follows:
  - (1) That Council approves the 2018/19 Council Tax requirement of £94.84 million, based on accepting Business Rates Pilot status across Berkshire, requiring a Council Tax increase of 2.99% with a 3% precept ring-fenced for adult social care.
  - (2) That the Fees and Charges are approved as set out in Appendix H and the appropriate statutory notices be placed where required.
  - (3) That the Parish Special Expenses are approved as set out in Appendix I.
  - (4) That the responses received to each of the public facing savings proposals in the public consultation exercise undertaken on the 2018/19 budget be acknowledged and noted.
  - (5) That, in relation to the Garden Waste Collection Service, if the proposal is approved then it is recommended that delegated authority be granted to the Head of Transport and Countryside in consultation with the Section 151 Officer, Monitoring Officer and the Portfolio Holder for Waste to enable the necessary contract changes to be made to facilitate the changes to the Garden Waste Collection Service.
  - (6) That it be noted that the following amounts for the year 2018/19 in accordance with regulations made under Section 31B of the Local

Government Finance Act 1992, as amended (by the Localism Act 2011):-

- (a) 64,890.66 being the amount calculated by the Council, (Item T) in accordance with regulation 31B of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended by the Localism Act 2011), as its council tax base for the year.
  - (b) Part of the Council's area as per Appendix M being the amounts calculated by the Council, in accordance with regulation 6 of the Regulations, as the amounts of its council tax base for the year for dwellings in those parts of its area to which a Parish precept relates.
- (7) Calculate that the Council Tax requirement for the Council's own purposes for 2018/19 (excluding Parish precepts) is £94,838,347.
- (8) That the following amounts be now calculated by the Council for the year 2018/19 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992, amended by the Localism Act 2011:-
- (a) £312,550,626 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2), (a) to (f) of the Act taking into account all precepts issued to it by Parish councils.
  - (b) £213,525,349 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3), (a) to (d) of the Act.
  - (c) £99,025,277 being the amount by which the aggregate at 8(a) above, exceeds the aggregate at 8(b) above, calculated by the Council, in accordance with the Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R).
  - (d) £1526.03 being the amount at 8(c) above (Item R), all divided by 6(a) above (Item T), calculated by the Council, in accordance with Section 31B of the Act, as the 'basic amount of its Council Tax for the year (including Parish precepts)'.
  - (e) £4,186,930 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per Appendix M).
  - (f) £1461.51 being the amount at 8(d) above less the result given by dividing the amount at 8(e) above by the amount at 6(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special items relates.
- (9) That it be noted that for the year 2018/19, Police and Crime Commissioner for Thames Valley & The Royal Berkshire Fire and

Rescue Service have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Councils area as indicated in Appendix M.

- (10) That the Council in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables in Appendix M as the amounts of Council Tax for 2018/19 for each part of its area and for each of the categories of dwellings.

### 3. Implications

- 3.1 **Financial:** These are contained in further detail within the report. The key implication is the proposed 2.99% Council Tax increase with a 3% precept ring-fenced for adult social care, which leads to a savings and income generation programme of £5.2m in 2018/19. The Council has a good track record of delivering past savings programmes and monitors and reports on progress on a monthly basis.
- 3.2 **Policy:** None
- 3.3 **Personnel:** There will be some implications for staff which are detailed in a separate report. The trade unions have been consulted and the reductions in staffing will be handled in accordance with the Organisational Change Procedure.
- 3.4 **Legal:** Requirement to produce a Revenue Budget under the various Local Government Finance Acts. The savings proposals have been out to public consultation in order to meet the Council's Public Sector Equality Duty and responses considered in setting the budget. Challenges may be made to certain proposals by means of judicial review as well as under employment legislation in respect of staffing reductions. All cases have been assessed in order to reduce risk of challenge regarding the lawfulness of proposals.
- The Public Sector Equality Duty (149 (1) requires a Local Authority in exercise of its functions to have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The essential duty is that decision makers must keep the welfare of service users at the forefront of their mind, but also families, and especially their families who are most disadvantaged.

- 3.5 **Risk Management:** As part of the 2018/19 financial monitoring, savings proposals will be kept under monthly review to ensure they are deliverable. Appendices F and G set out how the impact of increased volatility in Local Government finance will be managed and considers the impact on levels of reserves.
- 3.6 **Property:** The full property implications will need to be determined and a strategy developed for dealing with the impact where the Council retracts from the whole or part of a property. There could be a number of options to be investigated when the decision on the revenue budget has been agreed from; sale of the site, re-development, shared use, and/or change of use or re-letting for another purpose.
- 3.7 **Other:** In the light of the funding reductions required for 2018/19 the options available to the Council for making savings were very limited and it is acknowledged that in some cases the Council will be providing the minimum level of service for some of its Statutory Services.

#### 4. Other options considered

- 4.1 We are proposing to increase Council Tax by 2.99% with a 3% precept ring-fenced for adult social care. If these options were not taken, the savings requirement would be £5.4m higher. We have considered all options available to us in order to keep the savings requirement to the level it is.

## Executive Summary

### 5. Introduction

- 5.1 The purpose of this paper is to consider and recommend to Council the 2018/19 Revenue Budget, which proposes a Council Tax requirement of £94.84m requiring a Council Tax increase of 2.99% with a 3% precept ring-fenced for adult social care. The Council Tax increase will raise an additional £2.7m and the precept will raise a further £2.7m ring-fenced for adult social care.
- 5.2 In order to arrive at a balanced budget for 2018/19, £5.2m of savings and income generation proposals have been recommended, including reductions in street cleansing, introducing a charge for garden waste collection, further transformation in the way adult social care is provided, demand and cost management in social care, investment in commercial property to generate new income streams and many others. A public consultation exercise was undertaken on each of the public facing proposals and detail on the responses is included in Appendix N. The proposed savings will have some implications for staff which are detailed in a separate report.
- 5.3 This report also proposes the Fees and Charges for 2018/19 as set out in Appendix H and the Parish Special Expenses as set out in Appendix I and recommends the level of General Reserves as set out in Appendix F and Appendix G.

### 6. 2017/18 In Year Position

- 6.1 The 2017/18 budget was built with a savings programme of £4.7m. Transitional grant funding has helped services transition to a new model of operation, but despite this, at Quarter Three, we are forecasting an over spend of £860k.
- 6.2 Adult Social Care is seeing increased complexity of client needs and inflationary increases in commissioning services for nursing and residential care, leading to a forecast over spend of £485k. Overall client numbers have not increased significantly which is in part attributable to the success of our preventative and demand management strategies. However, this is not enough to offset the complexity and cost pressures and the delayed realisation of savings plans. The Education Service is forecasting a £364k over spend and Children and Family Services are forecasting an over spend of £389k, both predominantly as a result of residential placement pressures. Other services across the Council have been able to generate under spends in order to bring down the overall level of over spend.

### 7. Local Government Settlement

- 7.1 In October 2016, West Berkshire Council accepted a four year financial settlement offered by Government. Whilst this settlement commits the Council to a continued reduction in Government funding, it provides some financial certainty from 2016/17 to 2019/20 on which the Council can plan ahead and build other sources of income.
- 7.2 The provisional Local Government Finance Settlement 2018/19 was issued on 19 December 2017, with the final settlement announced on 6 February 2018. The Secretary of State for local government has approved a bid submitted collectively by the six unitary authorities in Berkshire to inform the development of a new funding system for local government. Along with nine other proposals from groups of authorities across England, the creation of a business rates pilot across Berkshire in

2018/19 will help the Government develop its detailed proposals to devolve business rate income to local authorities, replacing the current grant funding arrangements. During the pilot year, it is estimated that an additional £35m of business rates income collected in Berkshire will be retained within the county, rather than being returned to Whitehall as at present. The Berkshire authorities have committed to set aside 70% of the additional funding to make improvements to transport infrastructure in the Reading – Wokingham and Slough – Heathrow corridors. The works will be taken forward by the Thames Valley Berkshire Local Enterprise Partnership (LEP). The remaining 30% of additional funding will be distributed to the individual local authorities in Berkshire, in proportion to their respective contribution to the overall growth. The pilot has been agreed for one year only.

- 7.3 As part of the pilot, the Revenue Support Grant (RSG) will become part of our baseline funding. For West Berkshire the RSG for 2018/19 is £120k which is 97% less than in 2017/18, equating to a loss of £3.6m
- 7.4 The New Homes Bonus (NHB) funding for 2018/19 amounts to £2.7m. The number of years for which payments are made has been reduced to four years from 2018/19.
- 7.5 A one-off Adult Social Care Support Grant was announced in the final settlement and for West Berkshire this amounts to £313k for 2018/19. This will be used to replenish the service risk reserve.

## 8. Council Tax

- 8.1 West Berkshire Council's main source of funding is from Council Tax. The recommendation included within this report is a Council Tax increase of 2.99% for 2018/19 with a 3% precept ring-fenced for adult social care. The Council Tax increase will raise £2.7m and the precept will raise a further £2.7m ring-fenced for adult social care. Adult social care makes up over a third of the Council's net revenue budget. Whilst efficiencies are being made in the way the Council operates this Service, the precept will go towards funding the mounting pressures faced in the areas of learning disability, demographic increases, increased costs, additional staffing requirements.

## 9. Funding Statement

- 9.1 The Funding Statement for 2018/19 shows the funding available to the Council which can be used to fund the budget requirement.

2018/19 Funding Statement		
Income	£m	£m
Council Tax income		94.84
Revenue Support Grant		0.00
Adult Social Care BCF ringfenced funding		5.43
Adult Social Care iBCF ringfenced funding		0.58
Adult Social Care Support Grant		0.31
Other Non-Ringfenced Grants		0.08
Retained Business Rates		22.23
New Homes Bonus		2.69
Council Tax Collection Fund deficit		-0.73
<b>Funds Available</b>		<b>125.44</b>
Expenditure	£m	£m
Opening budget	114.76	
Budget growth	2.55	
Contract inflation	1.76	
Service pressures	4.49	
Capital financing	0.50	
Savings or income requirement	-5.23	
<b>Annual Budget Requirement</b>		<b>118.83</b>
One off provision for other risks		0.60
<b>Net Budget Requirement for Management Accounting</b>		<b>119.43</b>
One off Adult Social Care BCF ringfenced funding		5.43
One off Adult Social Care iBCF ringfenced funding		0.58
Increase in reserves		1.24
Use of reserves		-1.24
<b>Budget Requirement</b>		<b>125.44</b>
<i>£10k roundings may apply</i>		

## 10. Reserves

- 10.1 As part of the financial planning process, the Council considers the establishment and maintenance of reserves. Reserves are categorised into usable and unusable reserves. Usable Reserves consist of the General Reserve and Earmarked Reserves. The Council's s151 officer (Head of Finance and Property) recommends that the General Reserve is a minimum of 5% of the Council's net revenue budget, which for 2018/19 would be £6.3m.
- 10.2 During 2017/18, usable reserves are expected to reduce by £2.67m to fund the forecast revenue over spend, fund exit costs arising from savings plans, fund transformation projects and release earmarked reserves.
- 10.3 In 2018/19, the Council's share of the Council Tax collection fund deficit of £727k and a shortfall in Dedicated Schools Grant funding of £191k will be funded on a one off basis from earmarked reserves. £325k will be released from the waste reserve to support the waste savings plans. Total planned use of reserves is therefore £1.24m. Budget provision has been made to ensure planned use of reserves is funded by an equivalent increase in reserves.

## 11. Proposals

- (1) That Council approve the 2018/19 Council Tax requirement of £94.84 million, based on accepting Business Rates Pilot status across

Berkshire, requiring a Council Tax increase of 2.99%, with a 3% precept ring-fenced for adult social care.

- (2) That the Fees and Charges be approved as set out in Appendix H and the appropriate statutory notices be placed where required.
- (3) That the Parish Special Expenses be approved as set out in Appendix I.
- (4) That the responses received to each of the public facing savings proposals in relation the public consultation exercise undertaken on the 2018/19 budget be acknowledged and noted.
- (5) That, in relation to the Garden Waste Collection Service, if the proposal is approved then it is recommended that delegated authority be granted to the Head of Transport and Countryside in consultation with the Section 151 Officer, Monitoring Officer and the Portfolio Holder for Waste to enable the necessary contract changes to be made to facilitate the changes to the Garden Waste Collection Service.

## 12. Conclusion

- 12.1 The Council is forecasting an over spend in 2017/18 which will reduce our level of reserves. The ongoing effect of these budget pressures and the impact on reserves has been factored into the 2018/19 budget, and together with the reductions in government funding, we have had to close a funding gap of £10.6m. This has been achieved by £5.2m of savings and income generation proposals, a Council Tax increase of 2.99% raising £2.7m, and a 3% precept ring-fenced for adult social care raising a further £2.7m. The precept will help to fund the increased demand, complexity of care and cost pressures we are facing in this area.
- 12.2 West Berkshire Council has an excellent track record of delivering on its savings proposals and of reacting to ongoing pressures in order to minimise the budgetary impact.

## 13. Appendices

- Appendix A – Equalities Impact Assessment
- Appendix B – Supporting Information
- Appendix C – Contract inflation
- Appendix D – Service pressures
- Appendix E – Savings and Income proposals
- Appendix F – Reserves statements
- Appendix G – Adequacy of reserves and robustness of budget
- Appendix H – Fees and Charges
- Appendix I – Parish Special Expenses
- Appendix J – Council Tax Collection Fund
- Appendix K – Unison comments – to be tabled
- Appendix L – Minutes of the Business Panel information meeting held on 12<sup>th</sup> February 2018
- Appendix M – Council Tax Resolution
- Appendix N – Consultation Papers

## Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	Approval of Revenue Budget 2018/19
<b>Summary of relevant legislation:</b>	
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	No
<b>Name of assessor:</b>	Andy Walker
<b>Date of assessment:</b>	31.1.2018

Is this a:		Is this:	
<b>Policy</b>	<b>No</b>	<b>New or proposed</b>	<b>Yes</b>
<b>Strategy</b>	<b>No</b>	<b>Already exists and is being reviewed</b>	<b>No</b>
<b>Function</b>	<b>No</b>	<b>Is changing</b>	<b>No</b>
<b>Service</b>	<b>No</b>		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	Set a revenue budget for 2018/19
<b>Objectives:</b>	A balanced budget
<b>Outcomes:</b>	
<b>Benefits:</b>	Statutory requirement

<b>2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b>		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age		
Disability		
Gender Reassignment		
Marriage and Civil		

Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
<b>Further Comments relating to the item:</b>		

<b>3 Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b> Any impacts have been assessed and have been publicly consulted on where necessary	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b> Any impacts have been assessed and have been publicly consulted on where necessary	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	No
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

Name: Andy Walker

Date: 31.1.2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.

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## Statutory Pay Policy 2018

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<b>Committee considering report:</b>	Council on 1 March 2018
<b>Portfolio Member:</b>	Councillor Graham Bridgman
<b>Date Portfolio Member agreed report:</b>	11 January 2018
<b>Report Author:</b>	Katie Penlington
<b>Forward Plan Ref:</b>	C3278

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### 1. Purpose of the Report

- 1.1 To seek Council's approval of the Statutory Pay Policy Statement for publication from 1<sup>st</sup> April 2018.

### 2. Recommendation

- 2.1 Council is asked to approve the policy statement attached as appendix C for publication in accordance with s38 of the Localism Act 2011.

### 3. Implications

- 3.1 **Financial:** None
- 3.2 **Policy:** None
- 3.3 **Personnel:** None
- 3.4 **Legal:** None
- 3.5 **Risk Management:** None
- 3.6 **Property:** None
- 3.7 **Other:** None

### 4. Other options considered

- 4.1 Not applicable – this is a statutory requirement.

## Executive Summary and Report

- 4.2 Section 38 of the Localism Act 2011 requires local authorities to publish an annual pay policy statement. The method of publication is at the discretion of the authority, but it is expected to comply with the principles set out in the Local Government Transparency Code. The statement must be approved by the full Council.
- 4.3 Council approved the annual publication of the statement, in principle, on 1st March 2012. This report seeks Council's for approval, for publication of the 2018 Pay Policy Statement (attached at appendix C) with effect from 1st April 2018.
- 4.4 The statement should set out the policies in relation to;
- (1) Remuneration of its chief officers
  - (2) The remuneration of its lowest paid employees (and our definition and reasons for defining it)
  - (3) The relationship between the remuneration of its chief officers and those who are not chief officers
- 4.5 The definition of chief officers includes the Chief Executive, the Monitoring Officer, the Section 151 Officer, Corporate Directors, as well as those who report directly to any of these post holders. Thus, in West Berkshire Council, this definition would include all Heads of Service.
- 4.6 Chief Officer remuneration includes salary, bonuses, performance-related pay, fees or allowances (including as returning officer), benefits in kind, etc. The policy should also state how chief officer salary will be determined on appointment and any arrangements for payments upon leaving office.
- 4.7 The Pay Policy Statement for 2018 has been updated to reflect the increase to the Living Wage by the Living Wage Foundation to £8.75 per hour. The Council pays a 'living wage supplement' to corporate employees who would otherwise be paid less than £8.75 per hour.
- 4.8 *The pay award effective from April 2018 has yet to be agreed, figures in the policy in italics will be revised once the pay award is agreed. If the pay award is higher than the Employers' Side offer as at 12.02.18 the policy will return to Personnel Committee for further discussion.*

## 5. Conclusion

- 5.1 The Pay Policy Statement attached as Appendix C should be published on the Council website with effect from 1<sup>st</sup> April 2018, to comply with our statutory duty under the Localism Act.

## 6. Appendices

- 6.1 Appendix A - Supporting Information
- 6.2 Appendix B – Equalities Impact Assessment
- 6.3 Appendix C –draft Statutory Pay Policy 2018

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## West Berkshire 2015-2019 Council Strategy: Refresh 2018

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<b>Committee considering report:</b>	Council on 1 March 2018
<b>Portfolio Member:</b>	Councillor Graham Bridgman
<b>Date Portfolio Member agreed report:</b>	17 January 2018
<b>Report Author:</b>	Catalin Bogos
<b>Forward Plan Ref:</b>	C3395

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### 1. Purpose of the Report

To present the refreshed Council Strategy 2015 - 2019 for consideration and approval by the Council. The refreshed document articulates the progress that has been made and introduces new or updated projects to support the delivery of the Council's priorities for improvement.

### 2. Recommendation

To approve the refreshed Council Strategy covering the period 2015 - 2019.

### 3. Implications

- |     |                         |   |
|-----|-------------------------|---|
| 3.1 | <b>Financial:</b>       | The proposed work programme associated with the projects listed in the refreshed Council Strategy is fully funded within the 2018/19 budget.                        |
| 3.2 | <b>Policy:</b>          | The Council Strategy forms part of the Council's approved Policy Framework.   |
| 3.3 | <b>Personnel:</b>       | None.   |
| 3.4 | <b>Legal:</b>           | None.   |
| 3.5 | <b>Risk Management:</b> | The risk management process includes the assessment of risks in delivering the Council's priorities for improvement and monitoring of the actions to mitigate them. |
| 3.6 | <b>Property:</b>        | None.   |
| 3.7 | <b>Other:</b>           | None.   |

### 4. Other options considered

None.

## Executive Summary

### 5. Introduction / Background

In May 2015, the Council approved a new four year Council Strategy which contained specified priorities for improvement. The Council Strategy was subjected to public consultation. In May 2016, the Council approved a refreshed strategy based on the progress made to date whilst considering new or amended actions for the remaining three years of the strategy.

### 6. Proposal

- 6.1 This report introduces a refreshed version of the Council Strategy 2015 - 2019 that maintains the aims and priorities previously agreed. The new Strategy updates the progress that has been made in delivery of the priorities for improvement and provides clarification on new, amended actions or projects in order to deliver against the priorities.
- 6.2 The refreshed strategy and the proposed updated actions have been considered by a Task and Finish Group (T&FG) of the Overview and Scrutiny Management Commission. The T&FG has made a number of recommendations that have been included in the attached version of the refreshed strategy.

### 7. Conclusion

The refreshed Council Strategy clearly articulates the progress that has been made in delivering projects that support the Council's priorities for improvement. The refreshed Council Strategy also proposes new projects and initiatives in support of the Council's priorities for improvement for the last year of the Strategy.

### 8. Appendices

Appendix A – Equalities Impact Assessment

Appendix B – Draft 2015 -2019 Council Strategy: Refresh 2018

## Appendix A

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	Approve the refresh of the Council Strategy 2015 - 2019
<b>Summary of relevant legislation:</b>	n/a
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	n/a
<b>Name of assessor:</b>	Catalin Bogos
<b>Date of assessment:</b>	19/12/2017

Is this a:		Is this:	
<b>Policy</b>	<b>No</b>	<b>New or proposed</b>	<b>No</b>
<b>Strategy</b>	<b>Yes</b>	<b>Already exists and is being reviewed</b>	<b>Yes</b>
<b>Function</b>	<b>No</b>	<b>Is changing</b>	<b>No</b>
<b>Service</b>	<b>No</b>		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	<p>The aim of the Strategy is to set out the aims and priorities for improvement that will be the focus of the council over the next four years.</p> <p>Aims:</p> <p>A. Better educated communities.            B. A stronger local economy.            C. Protect and support those who need it.            D. Maintain a high quality of life within our communities.</p> <p>These aims are supported by the overarching approach to 'Become an even more effective council'.</p>
<b>Objectives:</b>	<p>The Council Strategy is the highest level plan produced to clarify the strategic direction of the council for medium term and to inform more detailed planning at service and individual level.</p>
<b>Outcomes:</b>	<p>The outcomes detailed in the strategy refer to improvements in the following areas:</p> <ol style="list-style-type: none"> <li>1. Improve educational attainment.</li> <li>2. Close the educational attainment gap.</li> <li>3. Enable the completion of more affordable housing.</li> <li>4. Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration</li> </ol>

	<p>and the digital economy.</p> <p>5. Good at safeguarding children and vulnerable adults.</p> <p>6. Support communities to do more for themselves.</p>
<b>Benefits:</b>	<p>The primary beneficiaries are the residents in West Berkshire by being informed of the areas the Council will focus on to improve the services they receive.</p> <p>Council officers and partner organisations will be able to detail their plans based on the strategic direction set by the Council Strategy.</p>

**2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.**

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age	<p>The expected effect is that areas that require the most improvement receive the necessary focus of activity and resources.</p>	<p>Council Strategy 2015-2019 Responses to the consultation on the Council Strategy 2015-2019.</p>
Disability		
Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		

**Further Comments relating to the item:**

There will be a positive benefit to certain protected groups such as the elderly, disabled, children particularly those from more challenging socio economic backgrounds.

The activities to deliver the strategy will be provided within the existing policy framework and will be provided by the individual service areas. The services will consider the measures and the impact of implementing the specific actions and conduct specific Equality Impact Assessments when required.

**3 Result**

<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>No</b>
<p><b>Please provide an explanation for your answer:</b></p> <p>Full Council has considered at their annual meeting on the 19<sup>th</sup> May 2015 the feedback received following public consultation on the aims and priorities for improvement that are included/maintained into the updated Council Strategy 2015 – 2019.</p>	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>No</b>
<p><b>Please provide an explanation for your answer:</b></p> <p>No adverse impact is expected.</p>	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	No
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

**Name: Catalin Bogos**

**Date:19/12/2017**

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.

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## Recommendations of the West Berkshire Council Independent Remuneration Panel 2017

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**Committee considering report:** Council on 1 March 2018

**Portfolio Member:** Councillor Graham Jones

**Date Portfolio Member agreed report:** 1 February 2018

**Report Author:** Jude Thomas

**Forward Plan Ref:** C3408

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### 1. Purpose of the Report

1.1 To adopt the recommendations of the West Berkshire Council Independent Remuneration Panel following their meeting on the 06 November 2017.

### 2. Recommendation

2.1 Members are asked to consider and, if appropriate, agree the recommendations of the Independent Remuneration Panel.

### 3. Implications

3.1 **Financial:** If Members are minded to adopt all the recommendations there would be an additional net cost to the Council of £3,700. The source of this funding would need to be identified.

The payment of Opposition Spokesman is already in the existing scheme but a decision was made at Council not to award these SRAs

SRA	Existing	Proposed	Impact
Deputy Leader	£9,247	£11,097	+ £1,850
OSMC Chair	£5548	£4,624	- £924
PC Chair	£0	£2,774	+ £2,774
<b>Total</b>			<b>+ £3,700</b>

3.2 **Policy:** The West Berkshire Council Members' Allowances Scheme (Part 14 of the Constitution) and any associated guidance will need to be amended as a result of any changes agreed by Council.

3.3 **Personnel:** None

3.4 **Legal:** None

3.5 **Risk Management:** None

3.6 **Property:** None

3.7 **Other:** Any increases to Members Allowances are likely to be the subject of scrutiny by both resident and Council employees.

#### 4. **Other options considered**

4.1 Not to make any changes to the Scheme.

## Executive Summary

### 5. Introduction / Background

- 5.1 All Councils are required to convene an Independent Remuneration Panel (IRP) and seek its advice before they make any changes or amendments to their Members' Allowances Scheme. The Council must 'pay regard' to their Panel's recommendations before setting a new or amended Scheme.
- 5.2 A copy of the report of the IRP is attached at Appendix B to this report. Under the Local Authorities (Members' Allowances) (England) Regulations 2003, the Council is required to publish the recommendations of the Panel and will be required to publish the new Scheme of Allowances (Part 14 of the Constitution) when it is agreed.
- 5.3 The membership and Terms of Reference of the 2017 West Berkshire IRP were agreed at the Council meeting on the 14 September 2017. The Panel comprised David Danielli (Chairman), Tim Renouf and Jonathan Hobson. The Panel met on the 6 November 2017.
- 5.4 The Panel received briefings from Officers (Moir Fraser and Andy Day) and representations from the following Councillors: Emma Webster, Lee Dillon, Pamela Bale, Graham Jones and Hilary Cole. Councillor James Cole, Chairman of Governance and Ethics Committee, was unable to attend but his written submission was given specific consideration. All Members were sent a questionnaire and ten Members opted to provide a response.

### 6. Proposals

- 6.1 The Panel proposed the following:
  - The Basic Allowance remains unchanged but that the Independent Remuneration Panel meets again in May 2020 after the implementation of the Boundary Review to review the impact of the changes.
  - The Special Responsibility Allowance (SRA) for the Deputy Leader be increased from 50% of the Leader's Allowance (£9,247) to 60% (£11,097) of the Leader's Allowance to reflect the additional responsibility of this role when compared to other Executive Members.
  - The SRA paid to the Chairman of the Overview and Scrutiny Management Commission be decreased from 30% of the Leader's Allowance (£5,548) to 25% (£4,624) to reflect the introduction of the new scrutiny model.
  - The SRA paid to the Planning Committee Chairman be retained but in the event that, in the future, the number of committees be reduced to just one, the level of remuneration is increased to 30% of the Leader's Special Responsibility Allowance.
  - An SRA be introduced for the Chairman of the Personnel Committee. This SRA to be set at 15% of the Leader's Allowance to reflect the impact of the decisions made by this Committee and, therefore, the significant responsibility of the Chairman.

- All Opposition Spokesman to be paid an SRA. Should the Council decide that this is not appropriate the two Main Opposition Group spokespersons each be awarded an SRA, with the Leader of the Main Opposition Group to decide who should receive an SRA..
- The Subsistence, Travel and Dependants' Carer's Allowances remain unchanged although reference to the a specific level of Living Allowance be removed in order to future proof the document and the reference to the subsistence allowance being linked to staff allowances be removed to reflect existing practice.
- The guidance around when claims can be submitted be amended in order to provide greater clarity for Members.

6.2 Should Members be minded to accept the recommendations of the IRP, this would create a budgetary pressure and the source of the funding would need to be identified.

## 7. Conclusion

7.1 The Panel, in arriving at its recommendations, took into account the views, written and oral, of Members; the scope and level of allowances paid in similar councils in Berkshire; and the current and future financial challenges. The changes proposed are not significant and the Panel, therefore, recommended that the Council accept the recommendations of the IRP.

## 8. Appendices

8.1 Appendix A – Equalities Impact Assessment

8.2 Appendix B – Report of the West Berkshire Council Independent Remuneration Panel 6 November 2017

## Appendix A

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Council to make:</b>	To assess the level of remuneration paid to West Berkshire Councillors.		
<b>Summary of relevant legislation:</b>	In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, the Council must have regard to the recommendations of an Independent Remuneration Panel before making or amending their Scheme of Allowances.		
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	No		
<b>Name of assessor:</b>	Jude Thomas		
<b>Date of assessment:</b>	22 November 2017		
<b>Is this a:</b>	<b>Is this:</b>		
<b>Policy</b>	<b>Yes</b>	<b>New or proposed</b>	<b>No</b>
<b>Strategy</b>	<b>No</b>	<b>Already exists and is being reviewed</b>	<b>Yes</b>
<b>Function</b>	<b>No</b>	<b>Is changing</b>	<b>Yes</b>
<b>Service</b>	<b>No</b>		
<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>			
<b>Aims:</b>	To consider the Basic Allowance and level of Special Responsibility, Subsistence, Travel and Dependants' Carers' Allowances awarded to elected Councillors		
<b>Objectives:</b>	To ensure that the Council complies with the Local Authorities (Members' Allowances) (England) Regulations 2003, and to minimise as far as possible barriers associated with becoming an elected councillor.		
<b>Outcomes:</b>	A Members' Allowances Scheme that takes into consideration barriers to becoming a councillor, the level of public service discount that should be applied and reflects the workload and responsibility of councillors.		
<b>Benefits:</b>	The Scheme will benefit existing councillors and future candidates.		

**2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.**

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)	
<b>Further Comments relating to the item:</b>	
<b>3 Result</b>	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
Stage Two required	No
Owner of Stage Two assessment:	N/a
Timescale for Stage Two assessment:	N/a

Name: Jude Thomas

Date: 21 November 2017

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Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.

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## Property Investment Strategy

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<b>Committee considering report:</b>	Council on 1 March 2018
<b>Portfolio Member:</b>	Councillor Dominic Boeck
<b>Date Portfolio Member agreed report:</b>	21 February 2018
<b>Report Author:</b>	Richard Turner
<b>Forward Plan Ref:</b>	C3401

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### 1. Purpose of the Report

- 1.1 The Property Investment Strategy for the acquisition of commercial property for investment purposes was adopted by the Council on 9<sup>th</sup> May 2017.
- 1.2 The Strategy contains within it provision for the periodic review (at least on an annual basis) of the Property Investment Strategy to ensure its compatibility with market conditions and the Council's investment objectives.
- 1.3 A revised Property Investment Strategy (West Berkshire Council – Property Investment Strategy (revised), January 2018) has been prepared to build upon the adopted JLL document should the Council resolve to adopt the recommended amendments within this document.
- 1.4 The Council resolved in May 2017 to agree the acquisition and disposal of building assets up to a value of £10M by way of Delegated Authority. The recommendations within the revised Strategy include increasing the acquisition value to £15M and it is recommended to increase the Delegated Authority threshold to this revised level.

### 2. Recommendations

- 2.1 The Council resolves to:
  - (1) Adopt the revised Property Investment Strategy (West Berkshire Council – Property Investment Strategy (revised), January 2018).
  - (2) To delegate to the Head of Legal Services in consultation with and having received agreement from the Property Investment Board to purchase investment property in accordance with the above Strategy up to a maximum of £15 million per transaction.
  - (3) To delegate to the Head of Legal Services in consultation with and having received agreement from the Property Investment Board to dispose of property in accordance with the above Strategy up to a maximum of £15 million per transaction.

### 3. Implications

- 3.1 **Financial:** The revised strategy will contribute to the suitable and timely acquisition of commercial property to achieve the planned revenue income targets from financial year 18/19.
- 3.2 **Policy:** The proposal will supersede the Strategy previously adopted on 9<sup>th</sup> May 2017.
- 3.3 **Personnel:** This proposal does not introduce any impact on staffing.
- 3.4 **Legal:** The business case presented in the report to Council on 9<sup>th</sup> May 2017 conveyed the legal basis for the Property Investment Strategy. This business case stands and is not impacted by the proposals in the revised Strategy.
- 3.5 **Risk Management:** By acting on the proposals to revise the Strategy, it is expected that this will positively impact the progression with property acquisition and ownership.
- 3.6 **Property:** The Property Services Team continue to lead on the acquisition of and management of commercial property, with the appointment of Montagu Evans as commercial advisers.
- 3.7 **Other:** None identified

### 4. Other options considered

- 4.1 The 'Do nothing' option is available to retain the Property Investment Strategy in its current form. This is not recommended as this does not react to a changing market. WBC will be best placed to succeed in its property investment through structured periodic revision of the strategy.

## Executive Summary

### 5. Introduction / Background

- 5.1 As a result of the financial headwinds facing local government, West Berkshire Council, resolved to create a UK wide Commercial Property Investment Portfolio in order to generate a new revenue income stream through direct commercial property investment.
- 5.2 Intrinsic within the adopted strategy is a mechanism for a regular review of the Strategy, on a day-to-day basis utilised by the Councils Property Investment Board (PIB), to ensure its compatibility with market conditions and the Councils Investment Objectives.

### 6. Proposal

- 6.1 The recommended amendments to the Investment Guidelines help ensure the attainability of the portfolio's target 6% net yield whilst providing the Property Investment Board (PIB) with enhanced agility to deploy the funds resources and realise a sustainable income stream sooner.
- 6.2 Asset Categorisation - It is recommended that an appropriate alternative categorisation which suitably reflects the council's objectives be introduced, this being 'Prime' and 'Good Secondary' as set out below:

Prime	Net yield of 6% or lower, established location, very strong tenant covenant, unexpired lease term of 9 years or more
Good Secondary	Net yield of higher than 6%, good location, strong tenant covenant, unexpired lease term commensurate with prevailing market conditions

- 6.3 Geographical Weighting – Allowing greater flexibility to invest more heavily in stronger, more robust areas will provide tangible benefit for the portfolio. In particular this is the case for London and the South East where a defensive portfolio would naturally carry greater weight. A narrower split of regions and some flexibility on the maximum allocation as set out below:

Region	Max weighting
South East	Up to 60% (£30m)
South West & Midlands	Up to 35% (£17.5m)
North	Up to 35% (£17.5)
Scotland & Wales	Up to 35% (£17.5m)

- 6.4 Sector Weighting – the current investment strategy categorises six sectors. To comply with this allocation in a relatively small fund is challenging. Simplifying the sectors provides flexibility whilst maintaining the principles of balance and diversification, such as suggested below:

Sector	Max weighting	Examples
Industrial / Warehouse	Up to 40% (£20m)	Logistics hubs, light industrial, trade parks
Retail	Up to 40% (£20m)	Small supermarkets, restaurants, retail warehouses
Offices, Alternatives and Other	Up to 35% (17.5m)	Offices, business parks, hotels, cinemas, petrol stations, wind farms

- 6.5 Lot Size – the current strategy puts a cap on any single lot of 20% of the portfolio value (£10m) with a minimum lot size of £3m. It is proposed to amend this to offer a lot size without a minimum and up to a maximum of £15m.
- 6.6 Income Risk – income risk is currently managed through a 10% cap of total income to be accounted for in any one tenant, once fully invested. Assuming a portfolio running yield of 6.00% and a portfolio value of £50m, this cap is equivalent to £300,000 per annum, per tenant. It is recommended that the cap is increased to £750,000 per annum, per tenant.

## 7. Conclusion

- 7.1 Conclusion – the Property Investment Strategy in its current form represents a very solid base from which to build. The Councils experience in the market since May 2017 emerging market trends and the stock availability, have provided the basis for amending the Investment Guidelines in the strategy in order to provide flexibility in terms of lot size, weighting and income spread. Doing so will expose the fund to a broader range of potential investments which will better enable it to deploy its funds efficiently and defensively to deliver the fund’s overall target return of 6%.

## 8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Supporting Information
- 8.3 Appendix C – West Berkshire Council – Property Investment Strategy (revised), January 2018

## Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	To adopt the revised Property Investment Strategy (2018)
<b>Summary of relevant legislation:</b>	Local Government Act 1972 Local Government Act 2003 Localism Act 2011
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	No
<b>Name of assessor:</b>	Richard Turner
<b>Date of assessment:</b>	8 <sup>th</sup> January 2018

Is this a:		Is this:	
Policy	Yes/No	New or proposed	Yes/No
Strategy	Yes/No	Already exists and is being reviewed	Yes/No
Function	Yes/No	Is changing	Yes/No
Service	Yes/No		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To benefit from long term revenue income streams.
<b>Objectives:</b>	To acquire commercial property.
<b>Outcomes:</b>	Ownership of commercial property with total capital value of £50m
<b>Benefits:</b>	Long term income stream to benefit services in West Berkshire.

**2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.**

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Age	No effect	
Disability	No effect	
Gender Reassignment	No effect	
Marriage and Civil Partnership	No effect	
Pregnancy and Maternity	No effect	
Race	No effect	
Religion or Belief	No effect	
Sex	No effect	
Sexual Orientation	No effect	
<b>Further Comments relating to the item:</b>		

<b>3 Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>Yes/No</b>
<b>Please provide an explanation for your answer:</b>	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>Yes/No</b>
<b>Please provide an explanation for your answer:</b>	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	No
<b>Owner of Stage Two assessment:</b>	n/a

<b>Timescale for Stage Two assessment:</b>	n/a
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**Name:**

**Date:**

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Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.

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## Market Street Land Appropriation

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<b>Committee considering report:</b>	Council on 1 March 2018
<b>Portfolio Member:</b>	Councillor Graham Jones
<b>Date Portfolio Member agreed report:</b>	25 January 2018
<b>Report Author:</b>	Bill Bagnell / Shiraz Sheikh
<b>Forward Plan Ref:</b>	C3373

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### 1. Purpose of the Report

- 1.1 To seek approval to appropriate the Council's land at Market Street in order to facilitate the development of the site by Grainger of its consented scheme.

### 2. Recommendations

2.1 The Council resolves

- (1) To authorise the appropriation of the land at Market Street, Newbury (the Site) for planning purposes (as shown on the plan at Appendix B which is owned freehold by the Council edged red and edged green) under the provisions of Section 122 of the Local Government Act 1972 to enable the Council to override third party rights and easements pursuant to Section 203 of the Housing and Planning Act 2016; and
- (2) That in doing so the Council has considered the provisions of the Equalities Act 2010 and the Human Rights Act 1998 contained in paragraph 6.9 of this report, so far as they might be applicable in deciding whether or not to authorise the appropriation, and with regard to Article 1 of Protocol 1 Part II of Schedule 1 of the Human Rights Act 1998, it is considered that in balancing the rights of the individuals who may be affected by the appropriation against the benefit to the community of proceeding with the appropriation, the appropriation resulting in the interference of individual rights is justified in the interests of regenerating the area.

### 3. Implications

- 3.1 **Financial:** It is not believed that this land appropriation will involve compensation. Powers of Appropriation allow the Council to extinguish rights of way, covenants and other 3<sup>rd</sup> party benefits but subject to compensation where the owners of those rights and benefits are known. In the case of this appropriation, historic 3<sup>rd</sup> party rights and their owners are not identified in land titles / supporting documentation. Grainger plc has agreed to provide the Council an indemnity against compensation before enabling the development.
- 3.2 **Policy:** Market Street regeneration fulfils a key regeneration target first identified in the Newbury Vision, dated October 2003.

This target has been restated in all subsequent versions of the Newbury Vision and is similarly identified in the Local Development Plan.

- 3.3 **Personnel:** None
- 3.4 **Legal:** As referred to in the Report. The Council entered into a development agreement with Grainger Newbury Limited (**Grainger**) which requires the Council to exercise its powers of Appropriation.
- 3.5 **Risk Management:** None
- 3.6 **Property:** This report deals with appropriation of land as provided for in the Conditional Development Agreement with the Council and the Developer in 2013.
- 3.7 **Other:**

#### 4. **Other options considered**

None as the Council has entered into a development agreement with Grainger and the agreement provides for such appropriation to be approved following planning consent which has been achieved.

## Executive Summary

### 5. Introduction / Background

- 5.1 This report seeks the approval of the Council to authorise the appropriation of land owned by the Council at Market Street Newbury to facilitate the redevelopment by Grainger pursuant to a scheme which secured planning permission in April 2017.

### 6. Proposal

- 6.1 The Council has sought to redevelop the Market Street site (the Site) for a number of years. In 2005 a development brief for the Site was produced (Market Street Planning and Design Brief Supplementary Planning Document, June 2005). That brief included aspirations for the Site which focused on a high-density residential development, as part of a mixed-use scheme. The Council entered into a development agreement with Grainger Newbury Limited (**Grainger**) in February 2013 to enable the redevelopment of the area to proceed. Planning permission was granted in April 2017 for a scheme applied for by Grainger which permits the redevelopment of the land to deliver 232 dwellings (including some affordable housing) with associated car parking as well as mixed uses for commercial floor space including retail leisure and office uses as well as a multi-storey car park.
- 6.2 The majority of the Site is within the Council's ownership. As the title has been secured through a series of different acquisitions there are various entries of rights and interests on the title which could be interfered with as part of the redevelopment. These include rights of way throughout the site, rights in relation to service media, restrictive covenants on use and restrictions on alterations to buildings. As part of the redevelopment proposals the Council has successfully completed the merger of its various titles at the Land Registry (now registered with title BK101684).
- 6.3 The development proposed by the planning permission includes buildings with a number storeys. The analysis of the massing of the buildings to be constructed through modelling by Grainger has identified the potential for material loss of light and thus the potential to interfere with rights to light of those properties which are adjacent to the Site. Any interference without lawful authority could create a risk of an injunction being sought by those whose rights and interests are interfered with. Grainger has acquired the third party interests needed for the redevelopment within the planning application boundary including the acquisition of 2 Highfield Avenue. It is also in discussions with an adjoining owner to agree a deed of release to authorise interference with rights by agreement
- 6.4 The Council does have a statutory power of appropriation available to it for land that it owns, the effect of which is to authorise the interference with third party rights over land but subject to the payment of compensation. The basis of the assessment of compensation is on the depreciation of the value of the interest affected and not any share in the development value of the scheme interfering with those rights. As part of the Council's contractual agreement with Grainger the Council can be asked to consider the appropriation of the land in its ownership. Grainger has made that request. The Appropriation process is detailed below.

## Appropriation

- 6.5 The Council can appropriate land for any purpose for which it is authorised to acquire land by agreement. The appropriation process is set out in the Local Government Act 1972 (1972 Act). Section 122(1) of the 1972 Act provides:

*Subject to the following provisions of this section, a principal Council may appropriate for any purpose for which the Council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the Council and is no longer required for the purpose for which it is held immediately before the appropriation; but the appropriation of land by a Council by virtue of this sub-section shall be subject to the rights of other persons in, over or in respect of the land concerned.*

- 6.6 The Council is a principal Council and so must follow the process set out in Section 122 of the 1972 Act. The Council should only resolve to appropriate land for another purpose if it is satisfied that the Market Street site (the Site) is no longer required for the purpose for which it is held. Whilst the Council currently holds the Site for a number of purposes including car parking, the freehold of the bus station and some residential units, it is required as part of the contractual commitment with Grainger as well as a stated planning policy objective to be redeveloped. The Site benefits from planning permission as set out above.
- 6.7 There are private rights of way and other easements over the Site as well as the potential for interference with rights to light and restrictive covenants. Where land is appropriated for planning purposes, the Council may rely upon the provisions of Section 203 of the Housing and Planning Act 2016. This has been in force since July 2016 and has replaced what was section 237 of The Town & Country Planning Act 1990. The Council has this statutory power to override easements, rights of way and restrictive covenants affecting land. This appropriation process is particularly necessary where agreement cannot be reached or the beneficiaries of any rights are unknown as is the case here. Section 203 authorises the overriding of any private rights (such as restrictive covenants and including rights of light) affecting the use of land which is held for planning purposes where development is carried out in accordance with planning permission. The power extends not only to development by the local planning authority itself but also to any person authorised by that authority. That being so, statutory undertakers are exempt from the provisions of Section 203 such that their rights cannot be overridden.
- 6.8 The ability to interfere with these rights is important in the context of enabling the development to proceed. Whilst the power exists to override such rights it does not prevent such rights being compensated. Section 204 of the Housing and Planning Act 2016 provides that compensation will be payable to those parties whose interests have been affected by the appropriation. The primary liability for the compensation is the party interfering with the right i.e. Grainger and the Council is seeking an indemnity from Grainger before enabling the development to proceed should appropriation be approved.

## Human Rights and Equalities Impact

- 6.9 The Human Rights Act 1998 (HRA) came into force on 2 October 2000.

6.10 Provisions of the HRA which are relevant in relation to the proposed appropriation are:

(1) The European Convention on Human Rights (the Convention) is an international treaty signed under the auspices of the Council of Europe. Whilst the United Kingdom was instrumental in drafting the Convention it was never incorporated into United Kingdom law.

(2) The HRA still does not incorporate the Convention into United Kingdom law but what it does is to enable individuals to invoke Convention rights for certain purposes and for certain effects.

(3) The main article of the Convention which is of importance in circumstances where the Council is considering appropriating land is Article 1 of Protocol 1 – the protection of property.

(4) In appropriating land an authority must show that the appropriation is justified in the public interest.

6.11 Article 1 of Protocol 1 provides that:

(1) Every natural or legal person is entitled to the peaceful enjoyment of his possessions.

(2) No one shall be deprived of those possessions except in the public interest and subject to the conditions provided for by law.

(3) However, the above rules shall not prevent a State enforcing such laws as it deems necessary to control the use of property in accordance with the general interest.

(4) The Council must decide in relation to Article 1 whether a fair balance has been struck between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights. The right to compensation is an important factor in considering the balance between the two.

(5) With regard to Article 1 of Protocol 1, it is considered that the interference with the individual's property is justified by the advantages accruing to the public by proceeding with the works particularly taking into account the fact that there is a legal right to compensation for the interference with rights arising from the appropriation.

6.12 In addition to the HRA, the Council is required to comply with the Equalities Act 2010. Section 149 of the Equalities Act 2010 requires the Council to have due regard to the need to:

(1) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 6.13 The Council carried out an equality impact analysis on 11<sup>th</sup> December 2017. This first of all assessed from a relevance perspective whether a full impact assessment was needed. This assessment concluded that the Scheme would not negatively impact on any particular group in a disproportionate way. As such no full assessment was required. The Council considers that it has complied with its duty under the Equalities Act 2010.

## **7. Conclusion**

- 7.1 This report recommends that the Council appropriate the land within its ownership for planning purposes to enable development to proceed at Market Street. The appropriation will enable third party rights to be overridden and interfered with but subject to the payment of compensation once the interference takes place. The primary responsibility for the compensation rests with Grainger and the Council is seeking an indemnity from them before development proceeds.

## **8. Appendices**

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Drawing 160276-3DR-00-10 0010 showing extent of land to be appropriated edged red and edged green

## Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	The Council is using its powers to appropriate its own land assets for an authorised purpose. This has been provided for in Development Agreement. The land in question is surplus to requirement and may be restricted by existing rights and covenants which cannot historically be identified, the removal of which are necessary in order to deliver to the Council's development partner an unencumbered development site.
<b>Summary of relevant legislation:</b>	The Land Appropriation process is covered under Section 122(1) of the Local Government Act 1972 (1972 Act). Also relevant to proposals is Section 203 of the Housing and Planning Act 2016
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	No
<b>Name of assessor:</b>	Bill Bagnell
<b>Date of assessment:</b>	11 <sup>th</sup> Dec 2017

Is this a:		Is this:	
<b>Policy</b>	<b>Yes</b>	<b>New or proposed</b>	<b>Yes</b>
<b>Strategy</b>	<b>Yes</b>	<b>Already exists and is being reviewed</b>	<b>No</b>
<b>Function</b>	<b>No</b>	<b>Is changing</b>	<b>No</b>
<b>Service</b>	<b>No</b>		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To appropriate Council land and thereby pass to Grainger an unencumbered development site.
<b>Objectives:</b>	To bring forward major urban regeneration in Newbury.
<b>Outcomes:</b>	To create a new gateway into Newbury from the station, to provide new town centre housing and create good quality public realm with updated signage.
<b>Benefits:</b>	The whole regeneration scheme by Grainger's will improve the lives of all those who live in Newbury as

	<p>commuters, as those who come to Newbury to work and those visiting Newbury town centre by train for leisure purposes. The development itself will provide much needed town centre housing providing those living there with a well-connected and vibrant residential area.</p>
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**2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.**  
 (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Age	Positive effect	Consented development proposals will create new public realm, fully accessible and providing a new direct link into the town centre from the station which is not the case at present.
Disability	Positive effect	As above
Gender Reassignment	No effect	
Marriage and Civil Partnership	No effect	
Pregnancy and Maternity	No effect	
Race	No effect	
Religion or Belief	No effect	
Sex	No effect	
Sexual Orientation	No effect	
<b>Further Comments relating to the item:</b>		

<b>3 Result</b>	
<p><b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b></p>	<b>No</b>
<p><b>Please provide an explanation for your answer:</b></p>	

<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>No</b>
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	N/A
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

Name: Bill Bagnell

Date: 11<sup>th</sup> December 2017

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Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.

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## Challenging Communication Issues - Update to the Officers Code of Conduct

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<b>Committee considering report:</b>	Council on 1 March 2018
<b>Portfolio Member:</b>	Councillor Graham Bridgman
<b>Date Portfolio Member agreed report:</b>	5 February 2018
<b>Report Author:</b>	Sarah Clarke
<b>Forward Plan Ref:</b>	C3434

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### 1. Purpose of the Report

- 1.1 A review has been undertaken of the Council's policies to ensure that they remained fit for purpose, having regard to the increasing use of social media.
- 1.2 It is recommended that the rules governing the use of social media by officers should form part of the Officers Code of Conduct.
- 1.3 This report seeks to advise of proposed amendments to the Code of Conduct relating to officers use of Social Media.

### 2. Recommendation

- 2.1 That Council approve the amendments to the Officers Code of Conduct within Part 13 of the Constitution, as detailed in Appendix C.

### 3. Implications

- 3.1 **Financial:** None
- 3.2 **Policy:** This proposes amendments to the Officers Code of Conduct.
- 3.3 **Personnel:** Staff may be affected by the proposed changes to existing policies. However, the impact is considered to be minimal and is considered to reflect good practise.
- 3.4 **Legal:** None
- 3.5 **Risk Management:** These proposals seek to set out clear guidelines relating to the use of social media by officers.
- 3.6 **Property:** None
- 3.7 **Other:** None

### 4. Other options considered

- 4.1 Leave the policy unchanged.

## Executive Summary

### 5. Introduction / Background

- 5.1 A review has been undertaken of the Council's policies relevant to the use by officers of social media.
- 5.2 As a result of that review, it is proposed to amend the Officers Code of Conduct so that this incorporates a section on the use of social media.

### 6. Proposal

- 6.1 It is proposed that the Officers Code of Conduct be amended as detailed in Appendix C.

### 7. Conclusion

- 7.1 It is considered that the proposed changes will provide greater clarity to officers about acceptable standards of behaviour in relation to social media and communications.

### 8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Supporting Information
- 8.3 Appendix C – Code of Conduct for Staff

## Appendix A

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking Council to make:</b>	Amend the Officers Code of Conduct
<b>Summary of relevant legislation:</b>	Relevant local government and employment legislation.
<b>Does the proposed decision conflict with any of the Council’s key strategy priorities?</b>	No
<b>Name of assessor:</b>	Sarah Clarke
<b>Date of assessment:</b>	16.10.17 and 24.01.18

Is this a:		Is this:	
<b>Policy</b>	<b>Yes</b>	<b>New or proposed</b>	<b>No</b>
<b>Strategy</b>	<b>No</b>	<b>Already exists and is being reviewed</b>	<b>Yes</b>
<b>Function</b>	<b>No</b>	<b>Is changing</b>	<b>Yes</b>
<b>Service</b>	<b>No</b>		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	The proposed decision should provide greater clarification for staff about their obligations under the relevant legislation and internal policies.
<b>Objectives:</b>	To ensure appropriate behaviour by staff.
<b>Outcomes:</b>	No inappropriate actions by employees and to ensure appropriate sanctions are available in the event of a breach.
<b>Benefits:</b>	Greater certainty for all parties.

<b>2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b>		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age	None	
Disability	None	

Gender Reassignment	None	
Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Gender	None	There is a higher ratio of female to male workers employed by the Council. However, it is considered that there will be limited impact if any.
Sexual Orientation	None	
<b>Further Comments relating to the item:</b>		
The changes to the policies will impact all staff equally. The policies seek to clarify obligations.		

<b>3 Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b>	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b>	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	No
<b>Owner of Stage Two assessment:</b>	

<b>Timescale for Stage Two assessment:</b>	
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**Name: Sarah Clarke**

**Date: 16.10.17 and 24.01.18**

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**Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.**